

### Remarks

Claims 32-40 and 45-56 were pending in the Application prior to the outstanding Final Office Action. In the current Final Office Action, Claims 32-56 were pending in the Application prior to the outstanding Office Action. In the Office Action, the Examiner rejected Claims 32-56 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,317,797 ("*Clark*") in view of U.S. Patent No. 5,684,990 ("*Boothby*"). The present Response amends Claims 32, 36, and 39, and cancels claim 34, leaving for the Examiner's present consideration Claims 32, 33, 35-40, and 45-56. Reconsideration of the rejections is requested.

#### I. Response to Rejection of Claims 32-40 and 45-56 Under 35 U.S.C. §103(a)

Claims 32-40 and 45-56 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Clark et al.* (U.S. Patent No. 6,317,797), in view of *Boothby* (U.S. Patent No. 5,684,990).

It is respectfully submitted that *Clark* and *Boothby*, either alone or in combination, fail to teach or suggest all of the limitations of Claims 32, 33, 35-40 and 45-56 and cannot render these claims obvious.

#### A. Claims 32, 33 and 35

Amended Claim 32 includes, among other limitations, "recording a file identification responsive to a modification to a file of said selected file type." The Examiner suggests that this limitation is taught by *Boothby*. Applicants respectfully disagree and submit that *Clark* and *Boothby*, alone or in combination, fail to teach or suggest this limitation. The Examiner cites *Boothby* (col. 1, line 55 to col. 2, line 4) as teaching that "a technique for synchronizing disparate databases of different computers is achieved by using unique IDs assigned when a record is created, and the software is able to use the unique IDs to compare the contents of corresponding data records in the two databases." However, as stated in the quoted limitation, *Boothby* teaches known techniques for synchronizing *databases*. Claims 32-35, by contrast, address a method for synchronizing a *file type* between a first *computer* and a second *computer*. Claims 32-35 are not limited to synchronizing databases and thus are not taught by *Boothby*. Moreover, *Boothby* (column 1, lines 55-58) teaches that database synchronization techniques "generally depend on the databases having been specially designed to facilitate

synchronization." Claims 32-35, by contrast, do not depend on any requirement of special design. Moreover, Claims 32-35 are directed to *any* selected computer file type.

Furthermore, as previously discussed in our Response E filed August 20, 2003, *Boothby* teaches setting a status indicator after a comparison of records rather than "recording a file identification responsive to a modification to a file of said selected file type," as recited in Claim 32. *Boothby*, col. 5, lines 53-55 and 63-65. Thus the status indicator of *Boothby* is set after a comparison, whereas no comparison is required in Claim 32 before "recording a file identification." *Boothby* thus does not teach "recording a file identification responsive to a modification to a file of said selected file type."

Although it is Applicants' position that all remaining claims are patentable as written, to expedite the approval of Applicants' claims, Applicants have cancelled Claim 34 and have amended Claim 32 to incorporate the limitations of the currently cancelled Claim 34. Neither *Clark* or *Boothby*, alone or in combination, teaches these limitations. *Clark* does not teach or suggest "transferring said modified file to said second computer and replacing said identified file on said second computer with said modified file on said first computer without user intervention, only if it is determined that said first date and time is more recent than said second date and time," as recited in amended Claim 32. *Clark* teaches determining if the dates or times are different, scanning the documents, adding files that are entirely new, and presenting edited files to the user to make a decision. *Clark*, col. 16, lines 8-12. *Clark* teaches that "the user selects whether to keep the handheld or host or both files or merge the files." *Clark*, col. 16, lines 18-19. *Boothby* also does not teach or suggest "transferring said modified file to said second computer and replacing said identified file on said second computer with said modified file on said first computer without user intervention, only if it is determined that said first date and time is more recent than said second date and time," as recited in Claim 32. As taught by *Boothby*, "[s]ynchronization begins with the program retrieving records from the handheld database and comparing them to the records in the status file." *Boothby*, col. 5, lines 63-65. Thus, *Boothby* teaches retrieving records and comparing them. Accordingly, *Boothby* does not teach "transferring .... and replacing ..., only if it

is determined that said first date and time is more recent than said second date and time," as recited in Claim 32. *Boothby* retrieves to make its comparison.

Applicants' arguments demonstrate that *Clark* and *Boothby*, either alone or in combination, do not teach or suggest all of the limitations of Claim 32. Accordingly, Claim 32 is believed patentable over *Clark* in view of *Boothby*.

Claims 33 and 35 ultimately depend from Claim 32 and should therefore be patentable for at least the reasons discussed above. It is further submitted that Claims 33 and 35 add their own limitations which render them patentable in their own right. Applicants reserve the right to argue those limitations should it become necessary in the future.

Accordingly, Claims 32, 33 and 35 are believed patentable under 35 U.S.C. §103(a) over *Clark* in view of *Boothby* and withdrawal of the Examiner's rejection of Claims 32, 33 and 35 is requested.

**B. Claims 36-40**

In the Final Office Action, p. 10, 2<sup>nd</sup> paragraph, the Examiner states, "Applicant's arguments filed on August 20, 2003 have been fully considered" but provides no discussion or analysis addressing Applicants' arguments made in Response E filed August 20, 2003 as to the allowability of Claims 36-40 over *Clark* in view of *Boothby*. Although it is Applicants' position that all remaining claims are patentable as written, to expedite the approval of Applicants' claims, Applicants have cancelled Claim 34 and have amended Claims 36 and 39 to incorporate the limitations of the currently cancelled Claim 34. As discussed above, neither *Clark* or *Boothby*, alone or in combination, teaches or suggests all of the limitations of the currently cancelled Claim 34. Moreover, as discussed in greater detail in Response E filed August 20, 2003, neither *Clark* or *Boothby*, alone or in combination, teaches or suggests all of the limitations of Claims 36-40. Accordingly, Claims 36 and 39 are believed patentable over *Clark* in view of *Boothby*.

Claims 37 and 38 ultimately depend from Claim 36 and should therefore be patentable for at least the reasons discussed above. Similarly, claim 40 ultimately depends from Claim 39 and should therefore be patentable for at least the reasons discussed above. It is further submitted that Claims 37-38 and 40 add their

own limitations which render them patentable in their own right. Applicants reserve the right to argue these limitations should it become necessary in the future.

Accordingly, Claims 36-40 are believed patentable under 35 U.S.C. §103(a) over *Clark* in view of *Boothby* and withdrawal of the Examiner's rejection of Claims 36-38 is requested.

**C. Claims 45-56**

The Examiner states that, "Claims 32-40 and 46-56 are presented for examination," and later that, "Claims 32-40 and 46-56 are rejected under 35 U.S.C. 103(a)." Final Office Action, p. 2. Applicants assume that the Examiner intended to refer to Claims 32-40 and 45-56, since Claim 45 is still pending and the Examiner refers to it following the discussion of Claim 39 and preceding the discussion of Claim 46. Final Office Action, pp. 5-6. If this assumption is inaccurate, Applicants request that the Examiner immediately notify the undersigned attorney.

Amended claim 45 includes, among other limitations, "a work monitor interface, including information identifying an occurrence of an event or activity on the first computing device." As discussed in greater detail in Response E filed August 20, 2003, it is respectfully submitted that *Clark* and *Boothby*, either alone or in combination, fail to teach or suggest this limitation.

*Clark* (col. 16, lines 4-27) describes scanning two files for differences and activating a "viewer module" so that "the particular differences are highlighted and shown to the user so that he can make a proper decision." *Clark* does not identify "an occurrence of an event or activity on the first computing device," as recited in Claim 45 (*emphasis added*). *Clark* merely identifies that two files are somehow different. Similarly, *Boothby* does not teach or suggest "a work monitor interface, including information identifying an occurrence of an event or activity on the first computing device." As discussed, *Boothby* teaches a comparison of files, not an identification of "an occurrence of an event or activity of the first computing device," as recited in Claim 45. *Clark* and *Boothby*, either alone or in combination, do not teach or suggest all of the limitations of Claim 45. Accordingly, Claim 45 is believed patentable over *Clark* in view of *Boothby*.

Claims 46-56 ultimately depend from Claim 45 and should therefore be patentable for at least the reasons discussed above. It is further submitted that Claims 46-56 add their own limitations which render them patentable in their own right. Applicants reserve the right to argue these limitations should it become necessary in the future.

Accordingly, Claims 45-56 are believed patentable under 35 U.S.C. §103(a) over *Clark* in view of *Boothby* and withdrawal of the Examiner's rejection of Claims 45-56 is requested.

## II. Conclusion

In light of the above, it is respectfully submitted that all of the claims now pending in the subject patent application should be allowable, and a Notice of Allowance is requested. The Examiner is respectfully requested to telephone the undersigned if he can assist in any way in expediting issuance of a patent. The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 06-1325 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

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